IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

WP(C).No. 18626 of 2007(P)

PETITIONER:

ASWATHY D.REJI, WIFE OF REJI.D.ALEX,
AGED 35 YEARS, MELATHIL ARENE BUNGLOW,
KUNDARA EAST(P.O.), KOLLAM DISTRICT.

BY ADV. SRI.A.V.THOMAS
SRI.JOJO GEORGE
SRI.NIDHI SAM JOHNS

RESPONDENTS:
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1. **STATE OF KERALA REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.**
2. **THE DISTRICT COLLECTOR, KOLLAM.**
3. **ADDITIONAL TAHSILDAR, KOTTARAKKARA.**
4. **THE VILLAGE OFFICER, EZHUKONE.**

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/10/2007, ALONG WITH WPC NO.17147/2007 AND CONNECTED CASES THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.18626/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE LAND TAX RECEIPT NO.1770970 DT. 8.10.04 ISSUED BY THE VILLAGE OFFICE,EZHUKONE.

EXT.P2:- COPY OF THE LAND TAX RECEIPT NO.1001445 DT. 11.6.07 ISSUED BY THE VILLAGE OFFICE, EZHUKONE.

EXT.P3:- COPY OF THE ORDER DT. 3.10.07 ISSUED BY THE TAHSILDAR, KOTTARAKKARA.

EXT.P4:- COPY OF THE OWNERSHIP CERTIFICATE DT. 28.12.99 ISSUED BY THE EZHUKONE GRAMA PANCHAYAT.

EXT.P5:- COPY OF THE PROPERLY TAX RECEIPT DT. 16.4.07 ISSUED BY THE EZHUKONE GRAMA PANCHAYAT.

EXT.P6:- COPY OF THE PROPERLY TAX RECEIPT DT. 12.6.07 ISSUED BY THE EZHUKONE GRAMA PANCHAYAT.

EXT.P7:- COPY OF THE ORDER DT. 30.5.07 ISSUED BY THE 3RD RESPONDENT.

EXT.P8:- COPY OF THE SALE DEED NO.348/92 DT. 6.2.92 OF THE EZHUKONE SUB REGISTRY OFFICE.

EXT.P9:- COPY OF THE SALE DEED NO.197/03 DT. 18.1.03 OF THE EZHUKONE SUB REGISTRY OFFICE.

/TRUE COPY/

P.S. TO JUDGE

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ANTONY DOMINIC, J.

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W.P.(C) Nos. 18626, 17055, 17499,17908, 17057, 17197, 19694, 17265, 18124, 17576, 17149, 19975, 17758 & 17147 OF 2007

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Dated this the 23rd October, 2007

J U D G M E N T

W.P.(C) Nos. 18626, 17055, 17499 & 17908 of 2007.

In these cases, without issuing any prior notice to the petitioners Form 'CC' under Rule 13 has been issued requiring them to vacate the premises under their occupation. It is this order issued to the petitioners herein that is challenged in these writ petitions.

2. It is the specific contention of the petitioners that they were not issued show cause notice or afforded any opportunity to represent against such a drastic action, before they were ordered to vacate from the premises.

3. Taking into account this admitted position, I dispose of these writ petitions directing that the notices so issued to the petitioners shall be treated

as show cause notices to which the petitioners will be entitled to file their objections before the Tahsildar concerned. This, the petitioners shall do within three weeks from the date of receipt of a copy of this judgment. On receipt of the objections from the petitioners, the Tahsildar shall afford them an opportunity of hearing, conduct an enquiry and pass speaking orders. Until then the petitioners' possession of the plot shall not be disturbed.

4. In so far as W.P.(C) No. 17499 of 2007 is concerned it is pointed out that in pursuance to the interim order of this Court dated 7-6-2007 the petitioner has already been heard by the Tahsildar, but final order has not been passed. Now that the petitioner has been heard, all that is required is that final orders should be passed. This the 3rd respondent shall do within six weeks from the date of receipt of a copy of this judgment.

W.P.(C) Nos. 17057, 17197, 19694, 17265, 18124, 17576, 17149, 19975, 17758 & 17147m of 2007.

In these cases in response to the notices issued by the Tahsildar concerned, petitioners have filed their objections and the matter stands at that stage.

In view of this, the Tahsildar concerned shall issue notices to the petitioners, hear them and pass final orders on their objections. This shall be done as expeditiously as possible, at any rate within three months of receipt of a copy of this judgment. Until then, further proceedings against the petitioners shall be kept in abeyance.

These writ petitions are disposed of as above.

ANTONY DOMINIC
JUDGE

jan/-